

STATE OF WISCONSIN

CIRCUIT COURT

WALWORTH COUNTY 2018CV000315

US Bank Trust National Association
as Trustee of American Homeowner
Preservation Trust Series 2015A+

FINDINGS OF FACT, CONCLUSION OF LAW
AND JUDGMENT

Plaintiff,

Case No. 18-CV-000315

vs.

Jesus S. Casillas (Deceased), and Francisca R. Casillas

Defendants.

The summons and complaint in this action having been duly served upon the defendants in the manner provided by law, due proof thereof being on file, and the defendant being wholly in default as shown by the affidavit of no answer on file herein, and

Due notice of the pendency of this action having been filed in the office of the Register of Deeds for this county more than twenty days prior to this date; and upon the application of the plaintiff, through its counsel, Beatrice Garrett, and

The court having examined the affidavit of default filed herein in support of the plaintiff's application for judgment, and having determined that all material allegations of the complaint on file herein are true, and

It further appearing that the mortgaged premises consists of a single lot with a residential structure thereon being twenty (20) acres or less and that the said premises cannot be sold in parcels without injury to the interest of the parties, and

It further appearing that no defendant is in the military service or active state service that no defendant has been adjudicated an incompetent, nor is an infant under guardianship:

NOW THEREFORE, on motion of Beatrice Garrett, attorney for the plaintiff,

IT IS BY THE COURT FOUND, DETERMNED AND ADJUDGED:

1. That all of the material allegations of the plaintiff's complaint are proven and true.
2. That the following amounts are due to the plaintiff under the terms of the note and mortgage.

| | |
|------------------------------|---------------|
| Unpaid Principal Balance | \$105,666.74 |
| Interest to 8/8/18 | 46,666.63 |
| Investor Paid Escrow Expense | 3,329.85 |
| Attorney Fees | 2,500.00 |
| Disbursements | <u>448.35</u> |
| Total | \$158,611.57 |

3. That all sums hereafter advanced by the plaintiff for insurance, necessary post judgment attorneys' fees and costs, preservation expenses and taxes not included in the judgment may be added to the judgment by order at any time after the entry thereof and before confirmation of sale upon the petition of the plaintiff's attorney without notice.

4. That the mortgaged premises is not occupied by owner.
5. That the mortgaged premises consists of property with a residential structure located thereon more particularly described in the mortgage attached to the complaint as Exhibit B. The legal description appearing on said exhibit is incorporated herein by reference.
6. That the mortgaged premises cannot be sold in parcels without injury to the interests of the parties and unless sooner redeemed, the plaintiff may elect to have the premises sold at public auction under the direction of the sheriff, at any time after **six month(s)** from the date of entry of judgment. That if the purchaser at said auction is a party or person other than the plaintiff or its assignee, then the sheriff shall require that ten percent (10 %) of the purchaser's bid be paid at the sale in cash, cashier's check or certified funds. The balance due upon confirmation of sale shall be paid to the clerk of courts by cash, cashier's check or certified funds. That after deducting the fees and expenses of sale, the proceeds of the sale shall first be applied to the amounts due plaintiff, together with interest at the rate provided in the mortgage note and that the surplus, if any, shall be subject to the further order of this court.

7. That in the event the State of Wisconsin Department of Veterans Affairs is or should become a party to this action, notice of the sheriff's sale shall be given by certified mail, return receipt requested, to the department at Madison, Wisconsin, at least three weeks prior to the date of sale.

8. That following the sale of the mortgaged premises as authorized herein and upon the court's confirmation of said sale, the defendants and all persons claiming an interest in said premises subsequent to the filing of the lis pendens herein shall be forever barred and foreclosed of all right, title, interest, claim, lien, or equity of redemption in and to said premises and any part, parcel or portion thereof.

9. That the owner remain entitled to possession of the mortgaged premises and are entitled to all rents, issues and profits therefrom to the date of confirmation of sale.

10. That leave is hereby granted to the plaintiff to add defendants herein pursuant to section 846.09, Wis. Stats.

11. That after the sheriff's sale, the sheriff shall make due report thereof to the court, and the purchaser shall be let into possession of the premises upon confirmation of the sheriff's sale and all parties to this action or other persons acquiring possession after the date the lis pedens was recorded shall deliver possession to said purchaser.

12. THAT NO DEFICIENCY JUDGMENT MAY BE OBTAINED AGAINST ANY DEFENDANT.

13. That all parties and all persons claiming under them are enjoined from committing waste upon the premises.

14. That in the event the United States is a party to the action, it shall have the post-sale redemption rights specified by 28 U.S.C. 2410(c).

15. That the plaintiff may take all necessary steps to secure and winterize the subject property in the event it is abandoned by the defendant and becomes unoccupied during the redemption period or until such time as the matter is concluded.

The clerk of the court will enter this judgment.

Dated this _____ day of August, 2018

Dated this 23rd day of August, 2018

BY THE COURT:

Electronically signed by Daniel S. Johnson
Circuit Court Judge

STATEMENT OF INDEBTEDNESS

| | |
|------------------------------|---------------------|
| Unpaid Principal Balance | \$105,666.74 |
| Interest to 8/8/18 | 46,666.63 |
| Investor Paid Escrow Expense | 3,329.85 |
| Attorney Fees | 2,500.00 |
| Disbursements: | |
| Filing Fee | 293.00 |
| Register of Deeds | 30.00 |
| Service Fees | <u>125.00</u> |
| Total | <u>\$158,611.22</u> |

Redemption period granted by this court: **Three months.**

Judgment entered this _____ day of August, 2018

State of Wisconsin } ss
County of Walworth

I, Kristina M. Secord, Clerk of the Circuit Court
of Walworth County, Wisconsin, and keeper of the
records and files thereof, do hereby certify that
foregoing is a true and correct copy of the original
document as it appears in the files in my office.

Dated this 20 day of July 20 21

Kristina M. Secord
Dustin Davis Deputy Clerk of Courts

This is a final judgment for the purpose of appeal.